

Welcome Resolutions

S. R. No. 447—By Senator Crump: Extending welcome to students and teachers of Bertram Junior High School.

S. R. No. 448—By Senator Krueger for Senator Herring: Extending welcome to students and teachers of Fulmore Junior High School of Austin.

S. R. No. 449—By Senator Gonzalez Extending welcome to students, teachers and sponsors of The Sacred Heart School.

S. R. No. 450—By Senator Weinert: Extending welcome to students and teachers of San Marcos Baptist Academy of San Marcos.

S. R. No. 452—By Senator Weinert: Extending welcome to students and teachers of Goodwin Elementary School of New Braunfels of Comal County.

S. R. No. 453—By Senator Herring: Extending welcome to students and teachers of Oak Hill School of Travis County.

Adjournment

On motion of Senator Martin the Senate at 6:13 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

SIXTY-THIRD DAY

(Wednesday, May 10, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

Absent—Excused

Colson

Owen

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Our Father, we have a big State, with big problems. Give us faith to believe that Thou art greater than all our problems. May we see our responsibilities as opportunities for service, and forbid that we should be little men in a big day of opportunities. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

Leaves of Absence

Senator Colson was granted leave of absence for today on account of illness in the family on motion of Senator Aikin.

Senator Owen was granted leave of absence for today on account of important business on motion of Senator Hudson.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 10, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 94, Granting permission to Mr. C. Roy Davis, Mabel Lipscombe and husband, S. W. Lipscombe, Nell DeLodder and husband, George DeLodder, and Doris McLoy, a feme sole, to sue the State of Texas.

H. C. R. No. 102, Suspending the Joint Rules of the House and Senate in order to permit the House and the Senate to consider at any time H. J. R. No. 30.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Reports of Standing Committees

Senator Reagan submitted the following reports:

Austin, Texas,
May 10, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insur-

ance, to whom was referred H. B. No. 1044, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REAGAN, Chairman.

Austin, Texas,
May 10, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred H. B. No. 495, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REAGAN, Chairman.

Austin, Texas,
May 10, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred H. B. No. 491, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REAGAN, Chairman.

Austin, Texas,
May 10, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred H. B. No. 489, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REAGAN, Chairman.

Senator Crump submitted the following reports:

Austin, Texas,
May 10, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 32, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CRUMP, Chairman.

Austin, Texas,
May 10, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 51, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

CRUMP, Chairman.

Senator Parkhouse submitted the following reports:

Austin, Texas,
May 10, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 568, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
May 10, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 409, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

PARKHOUSE, Chairman.

Senator Krueger submitted the following report:

Austin, Texas,
May 10, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 1078, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KRUEGER, Chairman.

House Bill 489 Ordered Not Printed

On motion of Senator Parkhouse and by unanimous consent H. B. No. 489 was ordered not printed.

House Bill 491 Ordered Not Printed

On motion of Senator Parkhouse and by unanimous consent H. B. No. 491 was ordered not printed.

House Bill 495 Ordered Not Printed

On motion of Senator Parkhouse and by unanimous consent H. B. No. 495 was ordered not printed.

House Bill 1078 Ordered Not Printed

On motion of Senator Crump and by unanimous consent H. B. No. 1078 was ordered not printed.

House Bill 967 Ordered Not Printed

On motion of Senator Hazlewood and by unanimous consent H. B. No. 967 was ordered not printed.

Senate Bill 472 on First Reading

Senator Patman moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

Absent—Excused

Colson Owen

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Patman:

S. B. No. 472, A bill to be entitled "An Act creating "Escondido Watershed District" under the provisions of Section 59, Article XVI of the Texas Constitution; prescribing the area and powers of the District; providing that a confirmation election or hearing on

exclusion of lands or hearing on adoption of a plan of taxation shall not be necessary; providing that the ad valorem plan of taxation shall be used by the District; specifying the purposes and powers of the District; providing for a Board of Directors to control and exercise the District's powers; authorizing the levy and assessment of taxes for improvements, maintenance, operation and administration of the District; providing that the District shall bear the expense of any necessary relocation, raising, or re-routing facility or property of any utility; authorizing the issuance of bonds in the accomplishment of the District's purposes, and making such bonds eligible for certain investments and to secure deposits of public funds; exempting the District's bonds from taxation; enacting a savings clause; declaring the District essential; enacting other provisions relating to the subject and purpose of this Act; and declaring an emergency.

To the Committee on Water and Conservation.

Senate Bill 27 with House Amendments

Senator Gonzalez called S. B. No. 27 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Gonzalez moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Gonzalez, Hardeman, Kazen, Willis and Moore.

House Joint Resolution 70 on Second Reading

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. J. R. No. 70, Proposing an

Amendment to Article IX of the Constitution of the State of Texas by adding thereto a new Section authorizing the creation of a hospital district coterminous with the West Columbia, Brazoria, and Damon Independent School Districts; authorizing a hospital district coterminous with the Sweeny Independent School District; providing that subsequent to the organization of the two districts, the Sweeny Hospital District may, upon certain conditions, consolidate itself with the Damon, West Columbia, and Brazoria Hospital District; and providing a mode of funding.

The resolution was read second time.

(Senator Secrest in the Chair.)

Senator Schwartz offered the following amendment to the resolution:

Amend House Joint Resolution No. 70 by striking all below the resolving clause and substituting in lieu thereof the following:

"Section 1. Article IX of the Constitution of the State of Texas is amended by adding thereto a new section to read as follows:

"Sec. 10(a). The Legislature may authorize the creation of two hospital districts in Brazoria County, one of which shall include all or part of the West Columbia, Brazoria, and Damon Independent School Districts and the other coterminous with the Sweeny Independent School District. The qualified electorate of the hospital districts may, by majority vote of each such hospital district, consolidate the Sweeny Hospital District into the Damon, West Columbia, and Brazoria Hospital District at any time subsequent to the organization of the separate hospital districts.

Such districts, if created, may be authorized to levy a tax not to exceed Twenty-five Cents (25¢) on the One Hundred Dollars (\$100) valuation of taxable property within the districts, provided no tax may be levied until approved by a majority vote of the participating resident, qualified, property taxpaying voters who may have duly rendered their property for taxation. The maximum rate of tax may be changed at subsequent elections, provided existing obligations are not impaired, but in no event shall any change of rate exceed Twenty-five Cents (25¢) per One Hundred Dollars (\$100) valuation.

The maximum tax rate submitted shall be sufficient to discharge such obligations, liabilities, and responsibilities, and to acquire, construct, maintain and operate the hospital system, and the Legislature may authorize the district to issue tax bonds for the purpose of the acquisition, construction, purchase, repair or renovation of improvements and initially equipping the same and such bonds shall be payable from said Twenty-five Cents (25¢) tax.

(b) In addition to all other ad valorem taxes authorized under this Constitution and the laws of the State of Texas, Titus County is hereby authorized and empowered to levy, assess and collect a tax not exceeding Twenty-five Cents (25¢) on the One Hundred Dollar (\$100) valuation of taxable property in said County in any one year for the purpose of paying the principal and interest on any bonds issued by said County for the purpose of constructing and equipping a home or homes for the aged persons in said County and to pay the maintenance and operation expenses thereof, provided said bonds and tax shall have been authorized at an election or elections held for that purpose by a majority of the qualified electors of Titus County, who own taxable property in said County and who have duly rendered the same for taxation, voting at said election. This provision shall be self-enacting and no enabling legislation hereunder shall be required. Any bond issued hereunder shall be issued in accordance with the general laws except as herein otherwise provided."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified voters of this State at the general election to be held the first Tuesday after the first Monday in November, 1962, at which election all ballots shall have printed thereon:

'FOR the Constitutional Amendment authorizing the construction, equipping, maintenance and financing of a home for the aged in Titus County and for permitting the Legislature to authorize the creation of two hospital districts in Brazoria County, one of which is to include all or part of the West Columbia, Brazoria and Damon Independent School Districts, and the other coterminous with the Sweeny Independent School District, also providing for a possible consolidation of the two by qualified voters

of such districts, and providing for all necessary construction, equipping, maintaining and financing if authorized.'

'AGAINST the Constitutional Amendment authorizing the construction, equipping, maintenance and financing of a home for the aged in Titus County and for permitting the Legislature to authorize the creation of two hospital districts in Brazoria County, one of which is to include all or part of the West Columbia, Brazoria and Damon Independent School Districts, and the other coterminous with the Sweeny Independent School District, also providing for a possible consolidation of the two by qualified voters of such districts, and providing for all necessary construction, equipping, maintaining and financing if authorized.'

Sec. 3. The Governor shall issue the necessary proclamation for said election and have the same published as required by the Constitution and laws of this State."

AIKIN
SCHWARTZ

The amendment was adopted.

Senator Schwartz offered the following amendment to the resolution:

Amend House Joint Resolution No. 70 by striking all above the resolving clause and substituting in lieu thereof the following:

"HOUSE JOINT RESOLUTION PROPOSING an amendment to Article IX of the Constitution of the State of Texas by adding thereto a new section authorizing the creation of two hospital districts in Brazoria County, one to include all or part of the West Columbia, Brazoria and Damon Independent School Districts, and the other coterminous with Sweeny Independent School District, providing for a possible consolidation of the two, providing a mode of funding and also authorizing construction, equipping, maintaining, and financing of a home for the aged in Titus County."

AIKIN
SCHWARTZ

The amendment was adopted.

The resolution as amended was passed to third reading.

House Joint Resolution 70 on Third Reading

Senator Schwartz moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that H. J. R. No. 70 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

Absent—Excused

Colson Owen

The Presiding Officer then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

Absent—Excused

Colson Owen

House Bill 38 on Second Reading

On motion of Senator Roberts and by unanimous consent, the regular order of business was suspended to

take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 38, Amending Subsections (1) and (4) of Section 2, Article XX of Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, 1941, as last amended by House Bill No. 5, Chapter 1, Acts of the Fifty-sixth Legislature, First Called Session, 1959 (compiled as Article 7083a, Vernon's Civil Statutes of Texas); increasing the amounts to be allocated from the Clearance Fund to the Blind Assistance Fund and the Old Age Assistance Fund and allowing certain credits from the first revenues collected to be deposited to these Funds; fixing the operative date of the Act; providing a repealing clause, a saving clause; and declaring an emergency.

The bill was read second time and passed to third reading.

House Bill 38 on Third Reading

Senator Roberts moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 38 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Moffett
Calhoun	Moore
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis

Absent

Martin

Absent—Excused

Colson Owen

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Lane
Baker	Moffett
Calhoun	Moore
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis

Nays—1

Hardeman

Absent

Martin Weinert

Absent—Excused

Colson Owen

Senate Resolution 462

Senator Reagan offered the following resolution:

Whereas, The State of Texas is currently faced with major problems concerning the propagation of oysters, oyster reefs and bottoms; bird refuge areas on reefs and other islands; and problems dealing with mudshell along its coasts; and

Whereas, A comprehensive study of these several and related problems could be highly beneficial to Texas; now, therefore, be it

Resolved, That the Texas Legislative Council be and is hereby requested to make a study of these problems from the points of view of economics, marine biology and related matters to the end that an appropriate number of wildlife sanctuaries and refuge areas would be closed to dredging of any kind whatsoever, more especially mud-shell dredging; and (2) that ways and means be found to restore and improve oyster reefs and bottoms for the benefit of the oyster fishing industry and the people of Texas.

The resolution was read.

Senator Reagan asked unanimous consent to consider the resolution immediately.

There was objection.

Senator Reagan then moved to suspend the regular order of business

and consider S. R. No. 462 immediately.

Senator Schwartz raised the point of order that today was a House Bill Day and it was necessary to suspend the Joint Rules to consider the resolution.

The Presiding Officer (Senator Secrest in the Chair) overruled the point of order stating that S. R. No. 462 was a simple resolution and it was not necessary to suspend the Joint Rules to consider it.

Senator Baker then moved that S. R. No. 462 be referred to the Committee on State Affairs.

Question first on the motion to consider the resolution immediately, the motion was lost by the following vote:

Yeas—4

Creighton	Parkhouse
Kazen	Reagan

Nays—20

Aikin	Martin
Baker	Moffett
Calhoun	Patman
Crump	Ratliff
Dies	Roberts
Gonzalez	Rogers
Hardeman	Schwartz
Hazlewood	Secrest
Herring	Smith
Krueger	Willis

Absent

Fuller	Moore
Hudson	Weinert
Lane	

Absent—Excused

Colson	Owen
--------	------

S. R. No. 462 was then referred to the Committee on State Affairs.

Committee to Escort Governor Bill Daniel to Joint Session

The Presiding Officer announced the appointment by the President of the following committee pursuant to the provisions of H. C. R. No. 27 to escort the Honorable Bill Daniel to the Joint Session: Senators Aikin, Moffett, Secrest, Kazen and Martin.

Motion to Adjourn

On motion of Senator Hardeman the Senate agreed to adjourn at the

conclusion of the Joint Session until 10:30 o'clock a.m. tomorrow.

Joint Session

(To hear an address by the Honorable Bill Daniel.)

The Presiding Officer announced at 11:45 o'clock a.m. that the time had arrived pursuant to the provisions of H. C. R. No. 27 for the Joint Session to hear an address by the Honorable Bill Daniel.

The President Pro Tempore and the Senators present escorted by the Sergeant-at-Arms and the Secretary of the Senate proceeded to the Hall of the House of Representatives at 11:45 o'clock a.m.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The President Pro Tempore was invited to occupy a seat on the Speakers' Stand.

The President Pro Tempore called the Senate to order, and announced a quorum of the Senate present.

Honorable James Turman, Speaker of the House of Representatives called the House to order, and announced a quorum of the House present.

Governor Bill Daniel and party were announced by the Doorkeeper of the House.

Governor Bill Daniel's party was escorted to the Speaker's Rostrum by Representatives Watson, Huebner, Hinson, Hollowell, de la Garza, Percy, Rosas, Spears and Latimer on the part of the House; and Senators Moffett, Aikin, Secrest, Kazen, and Martin, on the part of the Senate.

The Speaker of the House announced the purpose of the Joint Session for the Veterans of Foreign Wars to make presentation of an award to the Honorable Bill Daniel.

The Speaker presented Mr. Peter Stack to make the award.

Mr. Stack as a representative of Mr. Ted Connell, Commander of the Veterans of Foreign Wars, presented the award and medal to the Honorable Bill Daniel for outstanding service to Texas and the United States.

The Speaker then presented the

Honorable Price Daniel, Governor of Texas. Governor Daniel presented his brother, the Honorable Bill Daniel, as the new Governor of Guam.

Governor Bill Daniel addressed the Joint Session, expressed his appreciation for the award and for the pleasure of serving his State and his Nation.

Governor Bill Daniel's party included Mrs. Bill Daniel, his brother, Governor and Mrs. Price Daniel, and his sister, Miss Ellen Daniel.

Welcome Resolutions

S. R. No. 454—By Senator Fuller: Extending welcome to students and sponsors of Saint Elizabeth School of Port Arthur.

S. R. No. 455—By Senator Aikin for Senator Colson: Extending welcome to students and teachers of Navasota Junior High School.

S. R. No. 456—By Senator Krueger for Senator Herring: Extending welcome to students and teachers of Manor Elementary School of Travis County.

S. R. No. 457—By Senator Krueger for Senator Herring: Extending welcome to students and teacher of Austin Kindergarten School.

S. R. No. 458—By Senator Reagan: Extending welcome to students of Sacred Heart School of Corpus Christi and teacher and sponsor.

S. R. No. 459—By Senator Crump: Extending welcome to students and teacher of Uvalde High School.

S. R. No. 460—By Senator Herring for Senator Secrest: Extending welcome to students and teachers of Axtell School.

S. R. No. 461—By Senator Herring: Extending welcome to students and teachers of Lamar Junior High School of Austin.

Adjournment

At the conclusion of the Joint Session the President Pro Tempore announced at 12:01 o'clock p.m. that the Senate would stand adjourned until 10:30 o'clock a.m. tomorrow in accordance with motion previously adopted by the Senate.

SIXTY-FOURTH DAY

(Thursday, May 11, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Martin	

Absent—Excused

Colson Hazlewood

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Our Father, in the holy hush of this moment, give us grace to wait upon Thee, for they that wait upon the Lord shall have their strength renewed. They shall mount up with wings as the eagles. They shall run and not be weary. Be merciful unto us through Jesus Christ our Lord. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Colson was granted leave of absence for today on account of illness in the family on motion of Senator Creighton.

Senator Hazlewood was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Morning Call Dispensed With

On motion of Senator Martin and by unanimous consent the Morning Call was dispensed with in order that